

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALFONSO SANCHEZ, #524320 §
VS. § CIVIL ACTION NO. 6:13cv885
TRANSPORTATION OFFICERS §

ORDER OF DISMISSAL

Plaintiff Alfonso Sanchez, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. He complained that he was attacked by another inmate while being transported on a prison bus. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the lawsuit should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). Sanchez has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Sanchez, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by Sanchez are without merit. In particular, he failed to allege facts showing that the Defendants were deliberately indifferent towards him in that they knew of and disregarded an excessive risk to his health or safety, as required by the Supreme Court in *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). As best, he alleged facts that support a claim of negligence, which does not rise to the level of a potentially meritorious civil rights lawsuit. *Id.* at 834-36. His lawsuit fails to state a claim upon which relief may be granted and is

frivolous in that it lacks any basis in law and fact. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #21) is **ADOPTED**. It is further

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 25th day of March, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE